

was prayed, that the real estate of the late William Cochran might be sold for the satisfaction of his creditors.

On the 11th of November, 1820, the defendants Emory and McClure put in their answer, in which they admit the claim of the plaintiffs, and the deficiency of the effects of the firm of William Cochran & Comegys, to satisfy the claims against it. The death of Deborah Cochran was suggested, and Thomas L. Emory was admitted as a defendant in her stead. After which two other creditors filed their petition praying to be allowed to come in as plaintiffs; and, on the 8th of May, 1826, they were permitted to be made parties as prayed. On the 9th of May, 1826, the defendant Emory, as administrator *de bonis non* of William Cochran, answered, and admitted the claim of the plaintiffs. And, on the same day, the infant defendant William S. Cochran put in his answer, by his guardian *ad litem*, in which he admits the claim of the plaintiffs, and assents to the sale of the real estate of his ancestor and devisor.

The parties filed an agreement on the 10th of May, 1826, in which they say, "It is agreed, that a decree shall pass in this cause * for the sale of the property mentioned in the proceedings therein, with a stay of execution on said decree until the first day of June, 1827, for the payment of the claims legally due by the said William Cochran and John G. Comegys, the said creditors, by their solicitors agreeing to release the said William S. Cochran of and from all claims for rents received by him or his guardian, from the house and lot in Market street in the City of Baltimore, in the proceedings mentioned, where the said William Cochran formerly resided, up to the said first day of June, 1827." In conformity with this agreement, a decree was passed, on the same day, directing the real estate of the late William Cochran to be sold; and it was sold accordingly, and the sale finally ratified on the 1st of February, 1828.

After which the proceedings were removed under the Act of 1824, ch. 196, and filed here on the 29th of December, 1830. And during the consideration of the case it was verbally intimated, that the defendant William S. Cochran was in fact then dead.

BLAND, C., 5th May, 1831.—A creditor's suit is regulated by principles, in relation to abatement, in some respects, different from other suits. It is a general rule that in all cases where a plaintiff or a defendant dies whose entire interest is inseparably mingled with that of the other parties, and yet does not devolve upon any of them, the suit abates; and no further proceedings can be had until it has been regularly revived. *Boddy v. Kent*, 1 Meriv. 361. But, in a creditor's suit, all the other creditors of the same debtor may come in and associate themselves, as plaintiffs, with the one by whom it was instituted; and from the time such